

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

The existing PG&E Line 108 pipeline extends approximately 11 miles from the Thornton Station, just south of the Mokelumne River in San Joaquin County, to the Elk Grove Station, just south of Elk Grove Boulevard in Sacramento County. All of the land that would be traversed by the proposed pipeline is located in unincorporated Sacramento and San Joaquin counties, including the community of Franklin located in unincorporated Sacramento County. Approximately two miles of the proposed pipeline would be located between 0.2 and 0.4 of a mile west of suburban residential development in the city of Elk Grove. Access to the existing pipeline is provided by local roadways in Sacramento County, San Joaquin County, and the city of Elk Grove. The Project area is predominantly agricultural in nature; however, other land uses in the Project area include rural and suburban residences, habitat preserves, the Union Pacific Railroad (UPRR) rail line, and local roadways.

Sacramento and San Joaquin counties include a traditional mix of land uses characteristic of many California counties. Agricultural lands within these counties are highly valued as economic as well as biological, aesthetic, and recreational resources. Because the Sacramento Region is recognized as a growing urban center in the Central Valley, the county has been moving toward more compact development within the established urban development area and limiting development in rural areas. In response to pressures for urban development and expansion, and in an effort to preserve agricultural lands, San Joaquin County emphasizes the accommodation of development within existing urban areas of the county and infill development.

The Project area includes a complex mix of Federal, State, and local jurisdictions associated with the UPRR rail line, the Stone Lakes National Wildlife Refuge, the Cosumnes River Preserve, Sacramento County, and San Joaquin County. A total of approximately 1.2 miles of the existing pipeline are situated on U.S. Fish and Wildlife Service (USFWS) administered lands that are preserved for the Stone Lakes National Wildlife Refuge, and approximately 1.5 miles of the existing pipeline are on Bureau of Land Management (BLM) administered lands that are preserved for the Cosumnes River Preserve. Approximately 8.3 miles of the pipeline are located on UPRR rights-of-way or other private lands.

General Plan and Zoning Ordinance Land Use Designations

Sacramento County

The General Plan land use designations along the proposed pipeline route in Sacramento County are illustrated in Figure 4.11-1 and are General Agricultural Cropland and a Resource Conservation area in the northernmost portion of the proposed route (County of Sacramento 1993).

General Agricultural Cropland represents agricultural lands most suitable for intensive agriculture. The agricultural activities included are row crops, tree crops, irrigated grains and dairies. The designation is generally limited to areas where soils are rated from Class I to Class IV by the Soil Conservation Service, or are classified Prime, Statewide, or Unique significance by the State of California Conservation Department. These lands have at least some of the following attributes: deep to moderately deep soils, abundant to ample water supply, distinguishable geographic boundaries, absence of incompatible residential uses, absence of topographical constraints, good to excellent crop yields, and large- to moderate-sized farm units. These attributes indicate the need for ambitious preservation policies and techniques. The Agricultural Cropland designation allows single family dwelling units at a density no greater than 40 acres per unit.

The purpose of the Resource Conservation designation is to identify areas with special resource management needs. The designation targets certain natural resources as being important on the Land Use Diagram while recognizing the validity of the underlying land use designation. The intent is to develop programs and incentives to assist landowners with resource protection and enhancement. Compliance with the Resource Conservation designation relies on the voluntary support of landowners who seek cooperative conservation agreements with the county. The Resource Conservation combining land use category may be combined with Recreation, Natural Preserve, Agricultural-Cropland, General Agriculture/80 acre, and General Agriculture/20 acre Land Use Designations in suitable areas outside the Urban Service Boundary. Designated natural resource conservation areas on the Land Use Diagram may be generalized, and target resources may not exist on all property within the delineated area. Resource Conservation areas address vernal pools, wetland creation, waterfowl management, peat soil conservation, and Blue Oak woodland harvesting.

1 Figure 4.11-1

1 The parcels along the proposed pipeline route in Sacramento County are zoned
2 Permanent Agricultural – Extensive land use zones AG-20, AG-40, AG-80, and
3 AG-80(F). The numbers denote the minimum lot size of parcels in that zone, and the
4 “F” denotes that the area is subject to flooding (Sacramento County Zoning Code,
5 2007).

6 Section 201-02 of the Sacramento County Zoning Code regulates uses in agricultural
7 zones. According to this section of the zoning code, public utilities and public service
8 facilities are permitted in agricultural zones if the Planning Commission determines that
9 the use is necessary for the public health, convenience, safety or public welfare.

10 *San Joaquin County*

11 As illustrated in Figure 4.11-1, the portion of the proposed pipeline route that would be
12 located in San Joaquin County is currently designated as General Agriculture (A/G);
13 which is defined as follows in the 1992 San Joaquin County General Plan:

14 (a) Function: The General Agriculture land use designation will be considered in areas
15 suitable for agriculture outside areas planned for urban development where:

16 (1) Soils are capable of producing a wide variety of crops and/or supporting
17 grazing;

18 (2) Parcel sizes are generally large enough to support commercial agricultural
19 activities; and

20 (3) There exists a commitment to commercial agriculture in the form of
21 Williamson Act contracts and/or capital improvements.

22 (b) Density: Development density shall be a maximum of one primary dwelling unit per
23 20 gross acres. This requirement does not apply to lot line adjustments if the dwelling
24 unit density for affected parcels is not increased as a result of the lot line adjustment.
25 Additional dwelling units for farm employee housing and farm labor camps may be
26 permitted. Minimum parcel sizes shall be 20 to 40 acres where irrigation water is
27 available, 80 to 160 acres where water is not available for irrigation. The designation of
28 appropriate parcel sizes shall be based on the predominant existing parcel size and
29 residential density in the area.

30 (c) Typical Uses: Typical uses include crop production, feed and grain storage and
31 sales, aerial crop spraying, and animal raising and sales. Additional activities such as

resource recovery, dairy and canning operations, stockyards, and animal feedlots and sale yards require permits.

Section 9-605.2 of the San Joaquin County Zoning Code regulates uses in agricultural zones. According to this section of the zoning code, minor utility services are permitted in agricultural zones; however, major utility services are permitted subject to site approval. The proposed Project would be located within an “AG-40” General Agriculture zoning district (San Joaquin County Zoning Code 1995).

4.11.2 Regulatory Setting

Federal

U.S. Fish & Wildlife Service

The United States Fish & Wildlife Service (USFWS) has authority over the nation’s public trust lands. More specifically, the USFWS has jurisdiction over Assessors Parcel Number (APN#) 132-0020-078-0000, which is within the Stone Lakes National Wildlife Refuge, an area managed by the USFWS to protect scarce natural habitats and agricultural resources in an area threatened by urban sprawl. The USFWS requires Right-of-Way permits or easements for gas pipelines when they cross property administered by the USFWS, which are granted for up to 30 years (USFW, 2007). The proposed pipeline would be installed in an existing PG&E easement, partially within the Stone Lakes National Wildlife Refuge. PG&E would propose and submit a Special Use Permit for temporary use areas and a permanent easement for the expansion of the Elk Grove Station. Since the Stone Lakes National Wildlife Refuge is under the jurisdiction of the USFWS, the easement would need concurrence by the USFWS.

Bureau of Land Management

Under the Federal Land Policy and Management Act (FLPMA) of 1976, the Bureau of Land Management (BLM) has the authority to administer policies, procedures and management actions consistent with the FLPMA and other laws that govern the use of public lands (BLM, 2007). Where appropriate, the FLPMA provides for the preservation and protection of public lands in their natural condition that will provide food and habitat for fish and wildlife (CFR Section 102(a)(8)). The BLM’s mission is to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.

1 The BLM is the Federal agency responsible for considering a right-of-way grant for
2 construction and operation of the Project on BLM-administered lands. The BLM
3 considers conformance with land use plans and programs in determining whether to
4 issue a new right-of-way grant. A portion of the proposed pipeline would be constructed
5 within the Cosumnes River Preserve, which is administered by the BLM under a
6 Cooperative Management Agreement. PG&E would request a temporary right-of-way
7 grant within the Cosumnes River Preserve for construction activities. The proposed
8 pipeline would be installed within the existing 15-foot easement through the preserve.
9 Since the Cosumnes River Preserve is under the jurisdiction of the BLM, the agreement
10 would need concurrence by the BLM.

11 **State**

12 *The Delta Protection Act*

13 The Delta Protection Act (Act) was enacted in 1992 in recognition of the increasing
14 threats to the resources of the Primary Zone of the Delta from urban and suburban
15 encroachment having the potential to impact agriculture, wildlife habitat, and recreation
16 uses. Pursuant to the Act, a Land Use and Resource Management Plan for the Primary
17 Zone (Management Plan) was completed and adopted by the Delta Protection
18 Commission in 1995 (Delta Protection Commission 2007).

19 The Management Plan sets out findings, policies, and recommendations resulting from
20 background studies in the areas of environment, utilities and infrastructure, land use,
21 agriculture, water, recreation and access, levees, and marine patrol/boater
22 education/safety programs. As mandated by the Act, the policies of the Management
23 Plan are incorporated into the general plans of local entities having jurisdiction within
24 the Primary Zone, including Sacramento and San Joaquin counties.

25 No portion of the proposed pipeline route would be located within the Primary Zone of
26 the Delta; however, a portion of the pipeline would be within the Secondary Zone of the
27 Legal Delta. The portion of the proposed pipeline that would be located in the
28 Secondary Zone would extend from Thornton Station to just south of Twin Cities Road.
29 Actions for approval or denial of projects in the Secondary Zone are not subject to
30 appeal to the Delta Protection Commission; however, the Delta Protection Commission
31 recommends that environmental review documents address impacts to the resources of
32 the Primary Zone resulting from activities in the Secondary Zone (Delta Protection
33 Commission 2007).

The following policies from the Management Plan are applicable to the proposed Project:

Utilities and Infrastructure

- Policy 1: Impacts associated with construction of transmission lines and utilities can be mitigated by locating new construction in existing utility or transportation corridors, or along property lines, and by minimizing construction impacts. Before new transmission lines are constructed, the utility should determine if an existing line has available capacity. To minimize impacts on agricultural practices, utility lines shall follow edges of fields. Pipelines in utility corridors or existing rights-of-way shall be buried to avoid adverse impacts to terrestrial wildlife. Pipelines crossing agricultural areas shall be buried deep enough to avoid conflicts with normal agricultural or construction activities. Utilities shall be designed and constructed to minimize any detrimental effect on levee integrity or maintenance. As further discussed in section 4.4, Hydrology and Water Quality, there would be no detrimental effects on levee integrity resulting from the proposed project.

Local

Sacramento County General Plan

The portion of the proposed Project that would be within the jurisdiction of Sacramento County is required to comply with the land use plan in the Sacramento County General Plan 2010. The existing General Plan was adopted in 1993 and revised in 1997. Sacramento County is in the process of updating its General Plan to plan for 2005 through 2030. Goals, objectives, and policies that reflect land use requirements relevant to the proposed Project are outlined below (Sacramento County 1993).

The following objectives and policies related to land use from the Sacramento County General Plan were considered in this analysis:

Open Space Element

- Policy OS-1: Permanently protect, as open space, areas of natural resource value, including wetlands preserves, riparian corridors, woodlands, and floodplains.

Public Facilities Element

- Objective: Minimize the health, safety, aesthetic, cultural, and biological impacts of energy facilities in Sacramento County.
- Policy PF-73: Minimize the potential adverse impacts of energy production and distribution facilities to environmentally sensitive areas by, when possible, avoiding siting in the following areas:
 - Wetlands.
 - Permanent marshes.
 - Riparian habitat.
 - Vernal pools.
 - Oak woodlands.
 - Historic and/or archaeological sites and/or districts.
- Policy PF-118: Route new high pressure gas mains within railway and electric transmission corridors, along collector roads, and wherever possible, within existing easements. If not feasible these gas mains shall be placed as close to the easement as possible.

San Joaquin County General Plan

The San Joaquin County General Plan 2010, adopted July 29 1992, serves as the principal land use planning document for unincorporated San Joaquin County. The San Joaquin County General Plan contains numerous goals, objectives, policies, and implementation measures that address land use compatibility. Although land use classifications in the San Joaquin County Zoning Ordinance may be more detailed than those in the General Plan, all development must be consistent with the General Plan.

The following objectives and policies related to land use from the San Joaquin County General Plan were considered in this analysis:

Infrastructure Services, Utility Corridors

- Objective 3: To protect land uses from the placement of utility corridors across property at inappropriate locations.
- Policy 6: The County shall encourage utilities to route their facilities along property lines and where they will not interfere with agricultural operations or other land use activities.

Open Space

- Objective 1: To preserve open space land for the continuation of commercial agricultural and productive uses, the enjoyment of scenic beauty and recreation, the protection and use of natural resources, and for protection from natural hazards.

Stone Lakes National Wildlife Refuge Perpetual Conservation Easement Grant

The Laguna Stonelake LLC, a California Limited Liability Company, established a perpetual conservation easement grant in favor of The Habitat Management Foundation. The easement covers approximately 1,395 acres (Protected Property) that possesses significant ecological and habitat values that benefit endangered, threatened, and other rare species, collectively defined as "Conservation Values." These values include natural open space, grasslands, vernal pools, other wetlands, and habitat for listed vernal pool crustaceans. The purpose of the easement is to assure that the Protected Property will be retained forever in a natural and open space condition and to prevent any use of the Protected Property that will impair or interfere with the Conservation Values of the Protected Property. Additional uses and practices could be allowed with approval from the U.S. Army Corps of Engineers (USACE) through the issuance of a Clean Water Act permit and the USFWS through the issuance of a Biological Opinion.

Cosumnes River Preserve Cooperative Management Agreement

The BLM, the California Department of Fish and Game, Ducks Unlimited, the Sacramento County Department of Parks & Recreation, the Nature Conservancy, and the California Department of Water Resources entered into a Cooperative Management Agreement for the purpose of managing and administering all portions of lands within the Cosumnes River Preserve as a single ecological unit for the protection, restoration, and maintenance of plants and wildlife. Additionally, the agreement accommodates and facilitates research, teaching, nature study and appreciation, historical and cultural interpretation, and other compatible recreational, educational, and scientific activities that are appropriate to the Preserve without detrimentally impacting its intrinsic ecological and wildlife values.

4.11.3 Significance Criteria

An adverse impact on land use and planning is considered significant and would require mitigation if Project construction or operation would:

- Conflict with adopted land use plans, policies or ordinances established by a jurisdiction directly affected by the Project;
- Conflict with or result in incompatible adjacent land uses, including any approved residential or commercial development plans or any applicable habitat conservation plan or natural community conservation plan; or
- Physically divide a community.

4.11.4 Impact Analysis and Mitigation

Applicant Proposed Measures (APMs) have been identified by PG&E in its Environmental Analysis prepared for the CSLC. The APM that is relevant to this section is presented below. This impact analysis assumes that the APM would be implemented as defined below. Additional mitigation measures are recommended in this section if it is determined that the APM does not fully mitigate the impacts for which it is presented.

APM BIO-12. Monetary Compensation to the USFWS. PG&E shall provide a monetary compensation to the USFWS for disturbance on Stone Lakes National Wildlife Refuge associated with the proposed Project as determined in consultation with the landowner and USFWS. PG&E shall provide written documentation to the CSLC from the USFWS confirming that the agreed monetary compensation shall be used to enhance existing habitat or acquire additional habitat of equal or greater resource value as the habitat that would be permanently lost as a result of the proposed Project.

Conflict with any Adopted Land Use Plans, Policies, or Ordinances

The proposed natural gas pipeline would be located underground and would cross lands under the authority of Sacramento and San Joaquin counties, as well as the USFWS and the BLM. Although the Project would not be subject to local zoning regulations, the CSLC has considered such regulations as part of its environmental review process. The Sacramento County General Plan designates most of the Project area surrounding the proposed pipeline alignment as “General Agriculture Cropland and Resource Conservation,” and it is located within Permanent Agricultural – Extensive land use zones AG-20, AG-40, AG-80, and AG-80(F). Utility transmission lines are permitted uses under Permanent Agriculture Extensive. The Project area within San Joaquin County is designated as General Agriculture according to the County’s General Plan and is located within an “AG-40” General Agriculture zoning district. The Project would fall under the land use category “Major Utility Services,” which is defined as:

1 “Utility services involving major structures.” Typical uses include: natural gas
2 transmission lines and substations, petroleum pipelines and wind farms.” Major Utility
3 projects in the General Agriculture zoning district are allowed, but subject to
4 discretionary approval by the San Joaquin County Community Development
5 Department.

6 Construction of the proposed Project would be temporary in nature and would cause
7 temporary adverse impacts to the agricultural lands within and along the proposed route
8 (see Section 4.2, Agricultural Resources). However, soils on agricultural land would be
9 decompacted and reseeded in accordance with the landowner’s request, and
10 agricultural production would resume within the proposed pipeline right-of-way following
11 construction of the Project. Operation of the pipeline and continued agricultural
12 production would be consistent with the applicable General Plans and land use
13 designations.

14 In addition to local land use designations, approximately 1.2 miles of the northern
15 alignment would lie within a Perpetual Conservation Easement Grant, which was
16 established in 1999 to protect and retain the Stone Lakes National Wildlife Refuge as
17 natural open space. PG&E would construct the proposed pipeline within its existing
18 easement. Temporary use areas and permanent expansion of the Elk Grove Station by
19 1,560 square feet would require approval by USFWS. PG&E has committed to
20 implementing Applicant Proposed Measure APM BIO-12, which would reduce potential
21 impacts to the Refuge due to construction activity and the minor expansion of Elk Grove
22 Station by providing a monetary compensation to the USFWS for disturbance on Stone
23 Lakes National Wildlife Refuge. The monetary compensation would be used to
24 enhance existing habitat or acquire additional habitat of equal or greater resource value
25 as the habitat that would be permanently lost as a result of the proposed Project

26 A portion of the Project would be within the Secondary Zone of the Delta. The
27 Secondary Zone is not subject to the jurisdiction of the Delta Protection Commission,
28 but the Delta Protection Commission has recommended that this EIR address any
29 impacts that the Project may have on the resources of the Primary Zone resulting from
30 activities in the Secondary Zone (see Comment Letter 6 in Appendix B). These
31 resources include wildlife, agricultural, and recreational resources. As discussed in
32 Sections 4.1, 4.2, and 4.13 of this EIR, Project construction activities would not
33 significantly affect the resources of the Primary Zone. Utility pipelines are addressed in
34 the Management Plan, Utilities and Infrastructure Policy 1. The Project would be
35 consistent with Policy 1, as the proposed pipeline would be constructed within existing

rights-of-way with limited additional easement acquisition, following property lines and roadways wherever feasible,. The Project would be required to augment existing transmission capacity. As discussed in Section 4.2.4, the trench would be excavated to a minimum depth of 7.5 feet, which would provide for five feet of cover over the pipeline in agricultural areas, allowing for continued agricultural uses (with the exception of permanent plantings).¹

The proposed Project would conform to policies set forth by the General Plans of Sacramento and San Joaquin Counties and would implement the policies identified above by ensuring and securing additional energy capacity for the residents of these jurisdictions. Components of the proposed Project would comply with these policies, as well as the Delta Management Plan, and would therefore have a less than significant impact (Class III).

Conflict with Applicable Habitat Conservation Plans or Natural Community Conservation Plans

The majority of the proposed alignment is located within Sacramento County and no habitat conservation plan or natural community conservation plan has been adopted that covers the Project alignment in the County.

The small portion of the proposed alignment that lies within San Joaquin County is covered under the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), which is intended to comprehensively minimize and mitigate impacts to listed plant, fish, and wildlife species. Participation in the SJMSCP is voluntary and PG&E is not planning on participating in the SJMSCP. However, all impacts to biological resources in the SJMSCP area would be mitigated to less than significant. More information on the SJMSCP is in Section 4.1, Biological Resources. The Project area within San Joaquin County is primarily agricultural, and that use would remain following construction of the Project. Because participation is voluntary and the impacts to habitat (temporary impacts to agricultural land) would be minimal, the project would not conflict with the SJMSCP. The proposed project would have a less than significant impact on these plans (Class III).

¹ The Delta Protection Commission has suggested that pipelines traversing agricultural land be buried at least six feet deep in order to accommodate agricultural operations; however, a pipeline with five feet of coverage meets U.S. Department of Transportation (45 CFR 192.327) and California Public Utilities Commission (General Order 112-E) regulations and PG&E specifications for pipeline coverage and does not present any additional danger to the pipeline or conflict with normal agricultural operations.

Division of an Established Community

Approximately 1.2 miles of the northern portion of the Project alignment within the Stone Lakes National Wildlife Refuge is west of suburban residential development in the City of Elk Grove. Franklin Boulevard separates the neighborhood from the Stone Lakes National Wildlife Refuge, the UPRR, and the Project alignment. Construction activities in portions of Bilby Road and Franklin Boulevard and on undeveloped land would occur within the community of Franklin; however, any impacts associated with construction would be temporary in nature. Work areas and access roads would be regraded and restored after construction, including construction areas within the community of Franklin. Because of limited development and the rural agricultural character of the Project area, and because the proposed Project would not permanently affect land uses within the community of Franklin, this impact would be less than significant (Class III).

4.11.5 Impacts of Alternatives

No Project Alternative

Under the No Project Alternative, construction and operation of the proposed new natural gas pipeline between the Elk Grove and Thornton Stations would not occur by the January 2009 winter season which could result in emergency curtailment or interruption of services to approximately 160,000 residential and small commercial gas accounts under Abnormal Peak Day conditions. The active segment of the existing Line 108 pipeline would continue to provide distribution services to local landowners. This alternative would result in a continuation of current conditions and there would be no impacts on land uses.

Franklin 1 Alternative

The Franklin 1 Alternative would require an HDD pullback area on the Stone Lakes National Wildlife Refuge and would cross two vernal pools that total approximately 2.51 acres. While no trenching would occur in the Refuge, this area would be subject to surface disturbances in an area under a conservation easement established to protect the habitat. The proposed Project would not require an HDD pullback area on the Stone Lakes National Wildlife Refuge; therefore, the Franklin 1 Alternative would have a greater impact on local land uses than the proposed Project. Impacts would be less than significant (Class III).

Franklin 2 Alternative

The Franklin 2 Alternative, similar to the Franklin 1 Alternative, would require an HDD pullback area on the Stone Lakes National Wildlife Refuge and would cross two vernal pools that total approximately 2.51 acres. Also, like the Franklin 1 Alternative, no trenching would occur in the Refuge although the area would be subject to surface disturbances in an area under a conservation easement established to protect the habitat. With the exception of where this alternative would cross Bilby Road, this alternative would not require construction in a roadway. The proposed project would not require an HDD pullback area on the Stone Lakes National Wildlife Refuge; therefore, the Franklin 2 Alternative would have a greater impact on local land uses than the proposed Project. Impacts would be less than significant (Class III).

Project without Bridge Replacement Alternative

The Project without Bridge Replacement Alternative would leave the historic suspension bridge in place, but it would not alter the proposed pipeline alignment, the temporary construction areas, or the permanent easements. As a result, the Project without Bridge Replacement Alternative would not have any different impacts on local land uses than the proposed Project. Impacts would be less than significant (Class III).

4.11.6 Cumulative Projects Impact Analysis

All potential Project impacts related to land use would result from temporary construction activities, including temporary increases in noise and dust, decreased air quality from construction vehicles, odors from construction equipment, safety issues concerning open trenches, loss of vegetation, and access issues.

When projects are constructed simultaneously, or are timed closely together, they can result in a cumulative impact. Section 3.4, Cumulative Related Future Projects, lists projects in the vicinity of the proposed Project that could contribute to cumulative impacts related to land use. The Project construction activities in the vicinity of other cumulative projects are minor and temporary, and are not expected to generate significant additional disturbance to adjoining land uses; therefore cumulative land use impacts would be less than significant (Class III).